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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,764	12/12/2001	Haruhiko Yamamoto	01-807	8667

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EXAMINER

TRINH, HOA B

ART UNIT	PAPER NUMBER
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2814

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/020,764

Applicant(s)

YAMAMOTO ET AL.

Examiner

Vikki H Trinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of group I, claims 1-19, in Paper No. 3 is acknowledged.
2. Claim 20 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 3.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 4, 7, 11-17, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Woolhouse et al. (4,237,601).

Woolhouse et al. (4,237,601) discloses a method of forming a hole/groove(feature) in a substrate, where residue within the feature can be remove, the method comprising:

As to claims 1, 5-6, forming an upper sidewall portion of the feature 22, the upper sidewall portion forming a void 22 in the substrate 10, where the upper sidewall portion has an upper sidewall angle, and forming a lower sidewall portion of the feature, the lower sidewall portion forming a void 22 in the substrate 10, where the lower sidewall portion has a lower sidewall angle, where the upper sidewall angle of the upper sidewall portion is shallower than the lower sidewall angle of the lower sidewall portion. The upper sidewall portion and the lower

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sidewall portion are formed by laser ablation of the substrate. See column 1, lines 25-30, and see figure 2b.

As to claim 2, the upper sidewall angle of the upper sidewall portion is 54 degree which falls within the claimed range. See column 4, lines 55-60.

As to claim 4, the lower sidewall portion is inherently formed before the upper sidewall portion is formed. See figure 2b.

As to claim 7, the feature comprises a blind bore 22 formed in the substrate. See figure 1b.

As to claim 11, the substrate 10 comprises silicon. See column 3, line 24.

As to claim 12, a feature 22 formed according to the method of claim 1. See figure 1b.

As to claim 13, an integrated circuit substrate 10 having features 22 formed according to the method of claim 1. See figure 1b.

As to claim 14, a method for forming indicia elements on a substrate, where the indicia elements have a shape that aids in removal of foreign material from the indicia elements on the substrate 10, the method comprising the steps of forming an upper sidewall portion of the indicia elements 22, the upper sidewall portion forming a void 22 in the substrate 10, where the upper sidewall portion has an upper sidewall angle, forming a lower sidewall portion of the indicia elements, the lower sidewall is portion forming a void in the substrate, where the lower sidewall portion has a lower sidewall angle, where the upper sidewall angle of the upper sidewall portion is shallower than the lower sidewall angle of the lower sidewall portion, and forming the indicia elements in a pattern to form identifying indicia on the substrate. The upper sidewall portion

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and the lower sidewall portion are formed by laser ablation of the substrate. See column 1, lines 25-30, and see figures 1b, 2b.

As to claim 15, all of the upper sidewall portions of all of the indicia elements are formed prior to forming any of the lower sidewall portions of any of the indicia elements. See figure 1b.

As to claim 16, all of the lower sidewall portions of all of the indicia elements 22 are formed prior to forming any of the upper sidewall portions of any of the indicia elements. See figure 1b.

As to claim 17, a preceding one of the indicia elements is completely formed prior to forming a succeeding one of the indicia elements. See figure 1b.

As to claim 19, an integrated circuit substrate 10 having identifying indicia formed according to the method of claim 14. See figure 2b and column 1, lines 7-45.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 3, 8-10, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woolhouse et al. (4,237,601)

Woolhouse et al. (4,237,601) discloses the invention substantially as claimed. However, Woolhouse et al. (4,237,601) does not explicitly teach that the lower sidewall angle is about 60-90 degrees and the depth of the sidewalls are about 4-8 microns. Nevertheless, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the angle and depth according to the sidewalls of Woolhouse et al. (4,237,601) with the specific ranges, as claimed, since it is prima facie obvious to an artisan's experimentation and optimization because applicants have not yet established any criticality for the specific ranges.

The courts have concluded that there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). Also, references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek, 163 USPQ 545 (CCPA 1969).

Response to Arguments

5. Applicant's arguments filed 06/12/03 have been fully considered but they are not persuasive.

In the remarks, applicants allege that Woolhouse et al. do not describe a process. (See second paragraph, page 5 of the remarks). On the contrary, the examiner directs applicants' attention to Woolhouse et al.'s summary of the invention in which Woolhouse et al. describe the process of the patented invention. In addition, applicants allege that "Woolhouse et al. do not make any description of forming feature(s) using "laser ablation". The examiner notes that Woolhouse et al. teach the step of forming the feature(s) using laser to cut the features. (See col. 1, lines 25-30). Because Woolhouse et al. teach the step of using laser to form feature(s), the obviousness rejection for the range for the sidewall angle is also proper. Thus, applicants' amended claims 1 and 14, as well as dependent claims 2-4, 7-13, 15-19, do not overcome the cited prior art.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Vikki Trinh whose telephone number is (703) 308-8238. The Examiner can normally be reached Mon-Tuesday, Thurs-Friday, 7:30 AM - 6:00 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Wael Fahmy, can be reached at (703) 308-4918. General inquiries relating to the status of this application should be directed to the Group receptionist at (703) 308-0858. The fax number is (703) 308-2708.

Vikki Trinh,
Patent Examiner
AU 2814



LONG PHAM
PRIMARY EXAMINER